Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
	)	EB Docket No. 04-296
Review of the Emergency Alert System	)	
	)	

REPLY COMMENTS OF
ECHOSTAR SATELLITE L.L.C.

EchoStar Satellite L.L.C. ("EchoStar") hereby submits its reply comments to the Federal Communications Commission ("Commission") in response to the comments filed in the above-referenced rulemaking proceeding.[1] EchoStar is a multichannel video programming distributor that provides video and other programming via Direct Broadcast Satellite ("DBS") to subscribers throughout the United States. EchoStar also has worked with the Media Security and Reliability Council ("MSRC") to help address the nation's emergency communication needs.

EchoStar supports the comments filed in this proceeding by the Satellite Broadcasting and Communications Association ("SBCA"),[2] of which EchoStar is a member. The purpose of EchoStar's reply comments is to supplement the record in this proceeding concerning the technical limitations of its DBS platform with regard to disseminating Emergency Alert System ("EAS") warnings on a state and local basis.

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[1] *In the Matter of Review of the Emergency Alert System*, Notice of Proposed Rulemaking, 19 FCC Rcd. 15775 (2004) ("NPRM").

[2] Comments of the Satellite Broadcasting and Communications Association, *In the Matter of Review of the Emergency Alert System*, EB Docket No. 04-296 (filed Oct. 29, 2004) ("SBCA Comments").

A few commenters in this proceeding assume or suggest that it would be a relatively straightforward matter for DBS systems to provide localized EAS alerts. These contentions are founded upon a misunderstanding of DBS systems' capabilities. EchoStar does not now have the capability of receiving, processing and relaying alerts from the 550 EAS local areas back into those areas, and the difficulties of obtaining this capability are likely insurmountable.[3]

One commenter, the National Cable & Telecommunications Association ("NCTA"), suggests that DBS operators can distribute localized warnings through use of DBS systems' addressable set-top boxes. NCTA specifically posits that because DBS boxes are individually addressable "in order to perform service level changes and disconnect customers from service," localized warnings could delivered on an individual or zip code basis.[4] For a number of reasons, however, individual addressability for one purpose does not translate into an ability to address a larger set of subscribers simultaneously for a different purpose.[5]

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[3] The difficulty associated with receiving the alerts has already been recognized by some commenters. *See, e.g.,* Comments of Partnership for Public Warning, *In the Matter of Review of the Emergency Alert System*, EB Docket No. 04-296 (dated Oct. 25, 2004) at 18 (recognizing, as a threshold matter, the lack of any capability to capture all state and local level warnings in a timely manner).

[4] *See* Comments of National Cable & Telecommunications Association, *In the Matter of Review of the Emergency Alert System*, EB Docket No. 04-296 (dated Oct. 29, 2004), at 16.

[5] While another national satellite system, XM Radio Inc., has voluntarily committed to provide localized alerts, it should be noted that XM's proposal does not entail the same level of participation as that of broadcasters and cable operators due its system's limitations. For example, the proposal is limited only to 21 metropolitan areas where XM provides "Instant Traffic & Weather Channels," and dissemination will depend on the subscriber actively tuning in to these location-specific stations and listening to reports, rather than all channels being "force-tuned" to a particular state or local alert. *See* Comments of XM Radio Inc., *In the Matter of Review of the Emergency Alert System*, EB Docket No. 04-296 (dated Oct. 29, 2004) at 9-11. The XM proposal therefore should not be taken as an indication that national satellite systems can provide the same type of localized EAS alerts as those provided by broadcasters and cable.

First, EchoStar must use bandwidth to address a given box for any purpose. As explained in SBCA's comments, substantial (and duplicative) bandwidth would need to be reserved to handle the demands of addressing hundreds or thousands of set-top boxes simultaneously and instantaneously.[6] Because EAS alerts require rapid dissemination, the reserved bandwidth could not be used for any other purpose if there is to be any hope of distributing the alert in a timely manner. The quantity of bandwidth necessary for such a purpose may not be available. The nature of service changes or disconnections, in contrast, is such that delays in reaching the set-top box due to bandwidth constraints are not problematic. In short, the current system used to address individual boxes is not capable of handling situations where large numbers of boxes must be addressed on an immediate basis.

Second, a messaging system, such as one to provide text messages, is not a part of EchoStar's current addressability system. Rather, the system is designed only to transmit and respond to bits of data directing the box to turn certain channels on or off. Thus, as SBCA noted in its comments, at a minimum, complex software-level changes would be required to implement an emergency text messaging component to the addressability system.[7] And the presence of

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Nor should it be assumed that XM's proposal could be implemented by DBS providers. In fact, the proposal would not be workable for DBS due to differences in system architecture and services. For example, XM's "local" traffic and weather channels are actually national broadcasts of locally relevant information, in contrast with DBS operators' provision of local broadcasts via spot beam satellite architecture. DBS operators also do not originate localized programming; they already carry the programming of local broadcast stations which cannot be altered in any way, and which importantly, already contains EAS messages. Thus, the benefit of having local EAS warnings on locally-focused channels exists on EchoStar's system just as it would under the framework XM proposes to implement. Finally, it should also be noted that while XM states that its system is capable of "force-tuning" XM receivers to national EAS alerts, *see* XM Comments at 8, such a mechanism would not be plausible for EchoStar because EchoStar currently has no system for force tuning set-top boxes.

[6] *See* SBCA Comments at 4.

[7] *See id.*

legacy set-top boxes that are unable to respond to such text messages means extraordinary costs and logistical problems will be involved in any effort to upgrade those boxes on such a wide scale.

The NPRM contemplated that the burdens associated with EAS obligations might outweigh the benefits, specifically recognizing that DBS operators would likely face difficulties with matters such as receipt of EAS warnings from state and local authorities and the problem of legacy set-top boxes.[8] The Commission's instincts in this regard are accurate. Mandatory participation of satellite carriers in state and local EAS would impose a burden of having to create an entirely new infrastructure that would likely be insurmountable as a practical matter, and of nearly inestimable cost in terms of resources and bandwidth. Yet, as SBCA observed in its comments, it is not clear that DBS participation would yield sufficient improvement over the status quo to justify the resources and effort necessary to implement it, particularly considering that subscribers have access to multiple sources of emergency information.[9]

In conclusion, EchoStar will continue its work with MSRC and other efforts to help address the nation's emergency communication needs. It would not, however, be appropriate for the Commission to mandate DBS participation in the EAS system on a state or local level, as the burdens associated with implementation would outweigh any benefit.

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[8] NPRM, ¶ 29.

[9] *See* SBCA Comments at 5-7.

Respectfully submitted,

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Dated: November 29, 2004